

# **Exhibit A**

Approved, SCAO

Original - Court  
1st copy - Defendant2nd copy - Plaintiff  
3rd copy - Return

<b>STATE OF MICHIGAN</b> JUDICIAL DISTRICT 17TH JUDICIAL CIRCUIT COUNTY PROBATE	<b>SUMMONS</b>	<b>CASE NO.</b> 22- <b>02677</b> -NO
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**Court address**  
 180 OTTAWA AVE., NW, GRAND RAPIDS, MICHIGAN 49503

**Court telephone no.**  
 616-632-5480

**Plaintiff's name(s), address(es), and telephone no(s).**  
 JAMES VAGLICA and LESLIE VAGLICA

**Defendant's name(s), address(es), and telephone no(s).**  
 SPEEDWAY, LLC dba RICH OIL  
 c/o CORPORATE CREATIONS NETWORK, INC.  
 28175 HAGGERTY RD.  
 NOVI, MICHIGAN 48377

v

**Plaintiff's attorney, bar no., address, and telephone no.**  
 THOMAS W. WAUN (P34224)  
 JONATHAN M. HARTMAN (P58060)  
 JOHNSON LAW, PLC  
 140 E. 2ND ST., STE 201  
 FLINT, MICHIGAN 48502  
 (810) 695-6100

**MARK A. TRUSOCK**  
 (P38156)

**Instructions:** Check the items below that apply to you and provide any required information. Submit this form to the court clerk along with your complaint and, if necessary, a case inventory addendum (form MC 21). The summons section will be completed by the court clerk.

**Domestic Relations Case**

- ☐ There are no pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.
- ☐ There is one or more pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint. I have separately filed a completed confidential case inventory (form MC 21) listing those cases.
- ☐ It is unknown if there are pending or resolved cases within the jurisdiction of the family division of the circuit court involving the family or family members of the person(s) who are the subject of the complaint.

**Civil Case**

- ☐ This is a business case in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
- ☐ MDHHS and a contracted health plan may have a right to recover expenses in this case. I certify that notice and a copy of the complaint will be provided to MDHHS and (if applicable) the contracted health plan in accordance with MCL 400.106(4).
- ☒ There is no other pending or resolved civil action arising out of the same transaction or occurrence as alleged in the complaint.
- ☐ A civil action between these parties or other parties arising out of the transaction or occurrence alleged in the complaint has

been previously filed in ☐ this court, ☐ \_\_\_\_\_ Court, where

it was given case number \_\_\_\_\_ and assigned to Judge \_\_\_\_\_.

The action ☐ remains ☐ is no longer pending.

Summons section completed by court clerk.

**SUMMONS**

**NOTICE TO THE DEFENDANT:** In the name of the people of the State of Michigan you are notified:

1. You are being sued.
2. **YOU HAVE 21 DAYS** after receiving this summons and a copy of the complaint to **file a written answer with the court** and serve a copy on the other party or **take other lawful action with the court** (28 days if you were served by mail or you were served outside this state).
3. If you do not answer or take other action within the time allowed, judgment may be entered against you for the relief demanded in the complaint.
4. If you require special accommodations to use the court because of a disability or if you require a foreign language interpreter to help you fully participate in court proceedings, please contact the court immediately to make arrangements.

<b>Issue date</b> MAR 24 2022	<b>Expiration date*</b> JUN 23 2022	<b>Court clerk</b> _____
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\*This summons is invalid unless served on or before its expiration date. This document must be sealed by the seal of the court.

**SUMMONS**

Case No. 22-

-NO

**PROOF OF SERVICE**

TO PROCESS SERVER: You are to serve the summons and complaint not later than 91 days from the date of filing or the date of expiration on the order for second summons. You must make and file your return with the court clerk. If you are unable to complete service you must return this original and all copies to the court clerk.

**CERTIFICATE / AFFIDAVIT OF SERVICE / NONSERVICE**☐ **OFFICER CERTIFICATE**

OR

☐ **AFFIDAVIT OF PROCESS SERVER**

I certify that I am a sheriff, deputy sheriff, bailiff, appointed court officer, or attorney for a party (MCR 2.104[A][2]), and that: (notarization not required)

Being first duly sworn, I state that I am a legally competent adult, and I am not a party or an officer of a corporate party (MCR 2.103[A]), and that: (notarization required)

- ☐ I served personally a copy of the summons and complaint,  
☐ I served by registered or certified mail (copy of return receipt attached) a copy of the summons and complaint,

together with

List all documents served with the summons and complaint

on the defendant(s):

Defendant's name	Complete address(es) of service	Day, date, time

- ☐ I have personally attempted to serve the summons and complaint, together with any attachments, on the following defendant(s) and have been unable to complete service.

Defendant's name	Complete address(es) of service	Day, date, time

I declare under the penalties of perjury that this proof of service has been examined by me and that its contents are true to the best of my information, knowledge, and belief.

Service fee	Miles traveled	Fee	
\$		\$	
Incorrect address fee	Miles traveled	Fee	TOTAL FEE
\$		\$	\$

Signature

Name (type or print)

Title

Subscribed and sworn to before me on \_\_\_\_\_, \_\_\_\_\_ County, Michigan.  
 Date

My commission expires: \_\_\_\_\_ Date Signature: \_\_\_\_\_  
 Deputy court clerk/Notary public

Notary public, State of Michigan, County of \_\_\_\_\_

**ACKNOWLEDGMENT OF SERVICE**

I acknowledge that I have received service of the summons and complaint, together with \_\_\_\_\_ Attachments

\_\_\_\_\_ on \_\_\_\_\_  
 Day, date, time

\_\_\_\_\_ on behalf of \_\_\_\_\_  
 Signature

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

JAMES VAGLICA and LESLIE VAGLICA,

Plaintiffs,

v

SPEEDWAY LLC d/b/a RICH OIL,

Defendant.

Case No. 22-02677-NO

Judge:

HEIDI A. TRUSOCK  
(PCB156)

JUN 7  
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THOMAS W. WAUN (P34224)  
JONATHAN M. HARTMAN (P58060)  
JOHNSON LAW, PLC  
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[dgrimmer@venjohnsonlaw.com](mailto:dgrimmer@venjohnsonlaw.com)

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There is no other pending or resolved civil action arising out  
of the transaction or occurrence alleged in the Complaint.

**COMPLAINT**

Plaintiffs, by and through their attorneys, JOHNSON LAW, PLC, make their  
Complaint against the above-named defendant as follows:

1. Plaintiffs JAMES VAGLICA and LESLIE VAGLICA are residents of Kent County,  
Michigan.
2. Defendant SPEEDWAY LLC (d/b/a Rich Oil), is a Delaware limited liability  
company, doing business in Kent County, Michigan.

3. This incident occurred in Kent County, Michigan.
4. The amount in controversy exceeds \$25,000.00.
5. On August 28, 2020, Plaintiff JAMES VAGLICA was a customer at a Rich Oil gas station located at 3155 Division Ave. in Wyoming, Michigan, owned and operated by defendant SPEEDWAY LLC.
6. On August 28, 2020, Plaintiff JAMES VAGLICA was a business invitee when he entered defendant's premises located in Wyoming, Michigan.
7. JAMES VAGLICA walked into the gas station, requested \$20.00 in gas, and provided the clerk with a discount card to apply to his gas purchase.
8. JAMES VAGLICA proceeded to fill his car with gas, but noticed that the discount did not register, so he walked back into the gas station to inquire of the clerk why this may be the case.
9. As JAMES VAGLICA and the clerk conversed, the manager of the gas station angrily and inappropriately grabbed Mr. Vaglica's wallet, threw it on the floor, and told Mr. Vaglica that he needed to swipe the discount card at the pump rather than in the store.
10. JAMES VAGLICA explained that he had used the discount card on prior occasions without incident and/or the need to swipe it at the pump.
11. The manager then took the discount card and refused to return it to JAMES VAGLICA.
12. JAMES VAGLICA was shocked and disturbed by the manager's actions and exited the gas station. However, Mr. Vaglica thereafter wanted his card back, so he returned to the gas station to retrieve it.

13. While JAMES VAGLICA was holding the exterior handle of the ingress/egress door, attempting to enter the gas station, defendant's manager unexpectedly and without warning pulled on the inside handle of the door, causing JAMES VAGLICA's arm and body to extend awkwardly, causing immediate neck, shoulder, back and spinal pain, and other associated injury.
14. Defendant's manager was acting in the scope of his employment with defendant at all times pertinent and had a duty to use ordinary care in relationship to his interaction with Plaintiff.
15. Defendant manager breached his duty to use ordinary care when he unexpectedly and without warning pulled on the inside hand of the door, causing JAMES VAGLICA to sustain bodily injury.
16. Defendant SPEEDWAY LLC is vicariously liable for the negligence its agent.
17. Defendant SPEEDWAY LLC owed one or more of the following duties to Plaintiffs, as follows:
  - a. To use ordinary care to make the gas station entryway reasonably safe for customers;
  - b. To properly train and/or supervise its employees in attending to and addressing customer inquiries including regarding discounts;
  - c. To use properly hire and retain employees;
  - d. To properly train and regularly supervise its employees, agents, contractors and/or representatives; and
  - e. All other duties that may be identified during discovery.
18. Defendant SPEEDWAY LLC negligently failed to exercise such reasonable and ordinary care that was required under the circumstances in one or more of the following ways:

- a. Failure to use ordinary care to make the gas station entryway reasonably safe for customers;
- b. Failure to properly train and/or supervise its employees in attending to and addressing customer inquiries including regarding discounts;
- c. Negligent retention of employees;
- d. Failure to properly train and regularly supervise its employees, agents, contractors and/or representatives; and
- e. All other acts of negligence/gross negligence that may be identified during discovery.

19. As a proximate result of defendant's negligence, Plaintiff JAMES VAGLICA suffered injuries, including, but not limited to:

- a. injury to his neck, requiring cervical spine surgery;
- b. injury his shoulder(s) and spine, and associated numbness and tingling in the upper extremities;
- c. excruciating headaches; and
- d. other injury identified during discovery.

20. As a proximate result of his injuries, Plaintiff JAMES VAGLICA suffered damages past, present, and future, including:

- a. physical pain and suffering;
- b. mental anguish;
- c. fright and shock;
- d. denial of social pleasure and enjoyments;
- e. embarrassment, humiliation, or mortification;
- f. medical treatment expenses;
- g. wage loss and/or reduction in earning capacity;
- h. interference with vocational and avocational pursuits;

- i. permanent scarring, disfigurement and disability related to the above injury;
- j. aggravation of pre-existing injuries; and
- k. all other damages learned through the course of discovery.

21. As a direct and proximate result defendant's said breach of duty, Plaintiff LESLIE VAGLICA, spouse of Plaintiff, suffered damages and injuries including, but not necessarily limited to, loss of consortium, society, and companionship of her husband.

**WHEREFORE**, Plaintiffs respectfully request that this Honorable Court enter Judgment in their favor and against defendant in an amount in excess of \$25,000.00 and award costs, interest, and attorney fees so wrongfully incurred.

Respectfully submitted,

JOHNSON LAW, PLC.

Dated: March 21, 2022

BY:   
**THOMAS W. WAUN (P34224)**  
**JONATHAN M. HARTMAN (P58060)**  
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STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF KENT

JAMES VAGLICA and LESLIE VAGLICA

Plaintiffs,

v

Case No. 2102677 -NO

Judge:

SPEEDWAY LLC d/b/a RICH OIL,

Defendants.

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**DEMAND FOR JURY TRIAL**

Plaintiffs, by and through their attorneys, JOHNSON LAW, PLC., demand a trial  
by jury pursuant to MCR 2.508(B).

Respectfully submitted,

JOHNSON LAW, PLC.

Dated: March 21, 2022

BY:   
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**APR 04 2022**